

Notice of Allowability	Application No.	Applicant(s)	
	10/801,056	TSUMAGARI ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE of 8/30/06 & Interview Summary of 9/15/06.
2. ☒ The allowed claim(s) is/are 32-35 renumbered too 1-4 resp..
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/564,538.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/15/06</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>Email of 9/15/06</u>. |
|---|--|

10/801,056

VFB

Boccio, Vincent**From:** Edward Tracy [ETracy@oblon.com]**Sent:** Friday, September 15, 2006 2:01 PM**To:** Boccio, Vincent**Cc:** Scott McKeown; James Kulbaski

10/801,053

VFB

Subject: U.S. Patent Application Nos. 10/801,051, 10/801,053, 10/801,056, 10/801,057, and 10/801,058

10/801,051

VFB

Examiner Boccio,

We think the following language is consistent with all the medium claims in the above 5 applications:

9/16/06

"wherein the control information provides a functionality with respect to the video data or audio data such that when processed by a medium access device, the video data or audio data is managed and accessed according to the control information."

We authorize the addition of this phrase into the medium claims of the above 5 cases by Examiner's Amendment.

We also request that the following statement be included in the Statement of Reasons for Allowance for these 5 cases:

"The allowed medium claims have been carefully considered and discussed by U.S.P.T.O. personnel and the Applicants to ensure that these claims are in compliance with 35 U.S.C. Section 101 and the allowed claims are valid and definite, reciting a single statutory class in view of IPXL Holdings LLC v. Amazon.com Inc."

Thanks for all your help,

Ed Tracy
 Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
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 Alexandria, VA 22314
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 (703) 413-2220 (fax)

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9/16/06

Art Unit: 2621

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ed Tracy on 9/15/06.

The application has been amended as follows

{A} Claim 32, at line 18 {last line of claim}, after, "picture management information", the language below has been amended to the claim.

"wherein the control information provides a functionality with respect to the video or audio data such that when processed by a medium access device, the video or audio data is managed and accessed according to the control information"

Reasons For Allowance

The claims in this application are deemed allowable for the same reasons as the parent case (09/564,538) in addition to the further distinguishable case, sibling case (10/076,484).

Terminal disclaimers have been filed and processed against all siblings deemed to be obvious variants with respect to (10/076,484) and with respect to each all others filed with respect to (10/076,484).

The allowed medium claims have been carefully considered and discussed by U.S.P.T.O. personnel and the Applicants to ensure that these claims are in compliance with 35 U.S.C. Section 101 and the allowed claims are deemed valid and definite, reciting a single statutory class in view of IPXL Holdings LLC v. Amazon.com Inc."

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
9/16/06


VINCENT BOCCIO
PRIMARY EXAMINER